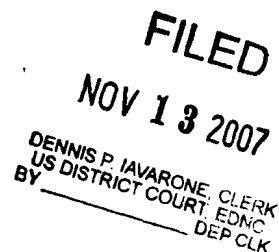


McCullers (NC Bar Number: 32833 )  
Sandra M. Whitaker (NC Bar Number 31858)  
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Attorneys for Joe Thaler and Lavish



UNITED DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO: CV 06-2555 PHX DGC (District of Arizona)

MDY Industires, LLC,	)	
	)	
Plaintiff,	)	OBJECTIONS TO SUBPOENA
	)	DUCES TECUM
v.	)	(Fed. R. Civ. P. 45(c)(2)(B))
	)	
Blizzard Entertainment, Inc. and	)	
Vivendi Games, Inc.,	)	
	)	
Defendants.	)	

TO ALL PARTIES TO THIS ACTION AND TO THEIR ATTORNEYS OF RECORD:

Joe Thaler and Lavish Software, LLC, pursuant to the provisions of Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure, makes the following objections to the subpoena duces tecum that was delivered to Joe Thaler's North Carolina residence on October 31, 2007:

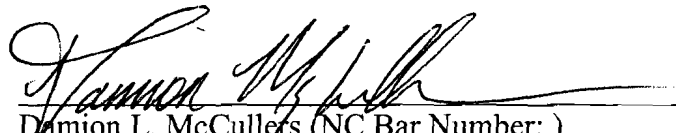
Objections to ALL Categories of Documents Requested in Schedule A

This request attempts to compel production literally thousands of computer files that are stored on a currently unknown number of computers in multiple locations,

possibly in different states. It will take a Herculean effort to gather, sort and prepare the information requested. Without a narrower request, Joe Thaler and Lavish Software, LLC can not in good faith produce the requested information.

Dated this the, 8<sup>th</sup> day of November, 2007.

Respectfully Submitted,



Damion L. McCullers (NC Bar Number: )

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Attorneys for Joe Thaler and Lavish Software, LLC

## CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2008, I served via facsimile and via email, if available, the attached Written Objection to Subpoena to the following persons. I have contacted parties to inform them we are filing in this manner.

Shane McGee

Attorney for the Defendants Vivendi Games, Inc. and Blizzard Entertainment, Inc.

Sonnenschein Nath & Rosenthal LLP

1301 K. Street, N.W.

Suite 600, East Tower

Washington D.C. 20005

Facsimile (202) 408-6399

Email: [smcgee@sonnenschein.com](mailto:smcgee@sonnenschein.com)

Scott Stein

Attorney for the Defendants Vivendi Games, Inc. and Blizzard Entertainment, Inc.

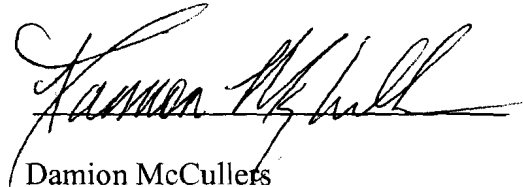
Sonnenschein Nath & Rosenthal LLP

2398 East Camelback Road

Suite 1060

Phoenix, Arizona 85106

Facsimile (602) 508-3914

A handwritten signature in black ink, appearing to read "Damion McCullers", with a long horizontal flourish extending to the right.

Damion McCullers

Attorney for Joe Thaler and Lavish Software, LLC